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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,662	02/07/2002	Tatsuya Ariga	011405	5709

23850 7590 08/05/2003

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EXAMINER

RODRIGUEZ, ARMANDO

ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/926,662

Applicant(s)

ARIGA ET AL.

Examiner

Armando Rodriguez

Art Unit

2828

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments pertaining to claims 1-8 filed May 16, 2003 have been fully considered but they are not persuasive.

Applicant's argument on page 5 regarding the 35 USC 112 of claims 1-3, applicant has amended claim 1 but fails to particularly establish a definite structural relationship between the transmitting area and the heating means because the use of the term "vicinity" does not define a precise location of the heating means, since claim requires the transmitting sections to receive the heat.

Regarding claims 4-8 no arguments pertaining to the cited prior arts have been made, thereby the rejection of claims 4-8 will be maintained.

Regarding the arguments on page 7 pertaining to claim 10, the arguments are persuasive and the prior art reference has been withdrawn.

Claim Objections

Claims 1-8,10 are objected to because of the following informalities: the claims are missing semicolons. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3,6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2828

Regarding claim 1,

Applicant has failed to particularly establish a definite structural relationship between the transmitting area and the heating means because the use of the term "vicinity" does not define a precise location of the heating means, since claim requires the transmitting sections to receive the heat. Applicant has failed to defined the structure of the light transmitting sections, but only recites "an opening" the claim implies plural sections. Applicant has failed to define the structure of the light shielding sections, since the claim implies plural shielding sections. It is not clear within the claim language how the multiple sections of transmitting and shielding are structurally related.

Claim 1 recites the limitation "said light shielding elements" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 6 and 8,

It is not clear within the claim language, as to how the light shielding section removes the undesired laser light and also transmits the laser light.

Claim Rejections - 35 USC § 102

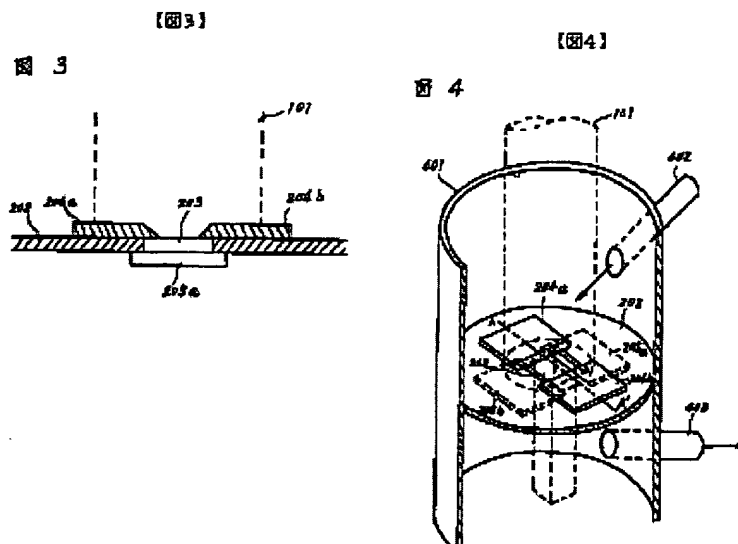
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

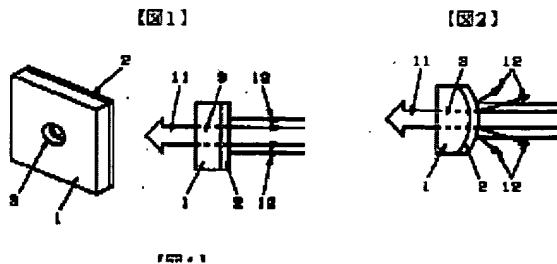
Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by (JP 05-000390).

Figures 3 and 4 illustrate an aperture having a light transmitting section (203) surrounded by plates (204,205), made of copper, steel, brass or aluminum, for shaping a laser beam to a predetermined shape, where gas is blown into the vicinity of the aperture for cooling the aperture.



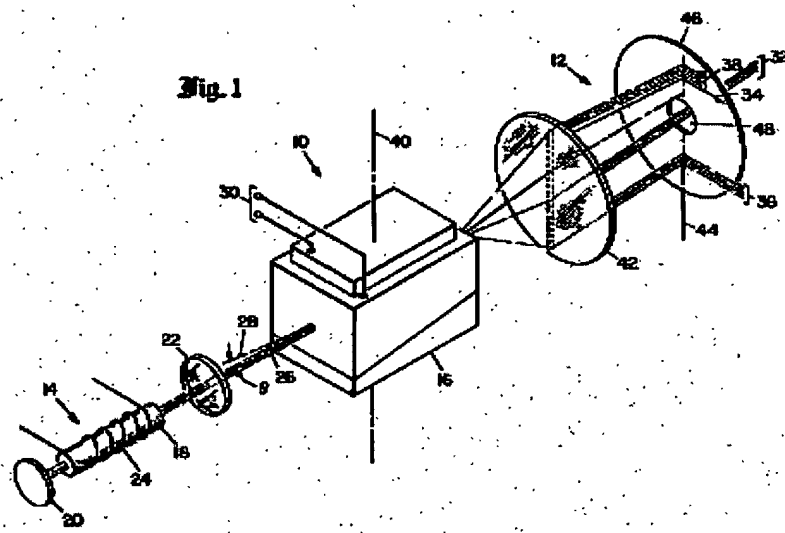
Claims 6,7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by (JP 8-111551).

Figure 1 illustrates an aperture for shaping a laser beam to a predetermined shape having a shielding section made of multiplayer dielectric material, which will reflect the undesired beam portion away from the optical path as shown in figure 2.



Claims 1-3, 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Smith (PN 4,362,364).

In figure 1 Smith illustrates a laser system having an aperture with a light transmitting section and a light absorbing or reflecting section as disclosed in the abstract. As shown the reflected laser beam provides heating to the transmitting section.



U.S. Patent Dec. 7, 1982 Sheet 1 of 3 4,362,364

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


Art Unit: 2828


mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Armando Rodriguez whose telephone number is (703) 308-6218. The examiner can normally be reached on 10-hour day / M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4881.


Armando Rodriguez
Examiner
Art Unit 2828


Paul Ip
Supervisor
Art Unit 2828

AR/PI
July 28, 2003